



## APPEARANCES

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MORNING SESSION

JUNE 17, 2021

(The following occurred outside the presence of the jury.)

THE COURT: Have you all had a chance to read the latest from the jury?

MS. MELL: Yes, Your Honor.

THE COURT: The appropriate thing for me to do in the face of this note is to ask the jury back into the courtroom with the typical questions when a jury might be hung, in part or wholly, and ask them if there is a reasonable possibility that they reach a verdict -- that they could reach a verdict within a reasonable time on either or both interrogatories submitted to the jury and hear their response, and then send them back to deliberate and we will discuss their response.

That's what I propose to do, unless someone has a comment.

MS. MELL: It would be GEO's position the jury has expressed, after two and a half days of deliberation, that it is, in fact, in conflict and cannot reach a decision, and the verdict should be -- the decision of the jury should be declared hung at this point, without further deliberation.

THE COURT: Well, it is premature in light of their indication that they are uncertain about reaching a conclusion, at least on one point. I think your suggestion is premature.

Any other comment?

1 All right. Bring the jury in, please.

2 THE CLERK: I am sending them a quick message that we  
3 are bringing them back into the courtroom.

4 Just a moment. I miscounted. I think there are only  
5 eight. Looks like Juror 8 -- Juror 8, maybe your video is  
6 off. Can you turn your video on, please? I have sent a  
7 message to Juror 8 to turn her video on.

8 (The following occurred in the presence of the jury.)

9 THE COURT: Ladies and gentlemen, I have called you  
10 back into the courtroom to find out whether you have a  
11 reasonable probability of reaching a verdict on one or both  
12 questions or interrogatories submitted to you.

13 Because you are in the process of deliberating, it is  
14 essential that you give no indication about how the  
15 deliberations are going and must not make any remark here in  
16 the courtroom that may adversely affect the rights of any  
17 party or that may disclose your opinion of the case or the  
18 opinions of any members of the jury.

19 I am going to ask your presiding juror if there is a  
20 reasonable probability of the jury reaching a verdict within  
21 a reasonable time as to one or both of the claims or the  
22 questions that was put to the jury. I would ask your  
23 presiding juror to restrict her answer to "yes" or "no" when  
24 I ask her this question and not say anything else.

25 For the record here, who is your presiding juror?

1 Juror No. 6, Ms. McDonald-Poper, is there a reasonable  
2 probability of the jury reaching a verdict within a  
3 reasonable time as to one or both of the issues presented to  
4 the jury?

5 JUROR 6: No.

6 THE COURT: I am going to ask the jury if you all  
7 agree with the presiding juror's response to my question.

8 Again, I would ask you to just indicate that you agree  
9 with her statement or you disagree.

10 Ms. Rickabaugh?

11 JUROR 1: I disagree, Your Honor.

12 THE COURT: Ms. Membreno?

13 JUROR 2: I disagree.

14 THE COURT: Ms. Tooley?

15 JUROR 3: I feel like I am not understanding that  
16 question. I'm sorry, but I didn't think -- sorry. Can I  
17 have somebody explain that to me again?

18 THE COURT: All right, Mr. Monta?

19 JUROR 4: I am confused, too, because there are two  
20 parts to what we are doing here. There is question --

21 THE COURT: This question is whether you agree with  
22 your presiding juror's statement to the Court, which was that  
23 she felt there was no possibility that the jury could reach a  
24 verdict within a reasonable time on either or both of the  
25 questions presented to the jury.

1 JUROR 4: I disagree.

2 THE COURT: All right. Ms. Farney?

3 JUROR 7: I disagree.

4 THE COURT: And Ms. Burton?

5 JUROR 8: I disagree.

6 THE COURT: Mr. Swessel? Mr. Swessel, Juror No. 9,  
7 do I have your name wrong?

8 JUROR 9: Yes, I agree with her.

9 THE COURT: All right. Thank you. You may retire,  
10 and I would ask you to continue your deliberations.

11 THE CLERK: Judge Bryan, just for the record, I  
12 believe Juror 5 was not asked whether he agreed.

13 THE COURT: I'm sorry. Mr. Crosley.

14 JUROR NO 5: I agree.

15 THE COURT: All right. Thank you. I would ask you  
16 to retire, continue your deliberations, and I will discuss  
17 the status of the case with counsel. In the meantime, don't  
18 stop working on the case and your deliberations. You may be  
19 excused again.

20 (The following occurred outside the presence of the jury.)

21 THE COURT: At this point in the trial, I have never  
22 seen such a split about whether they agree with the presiding  
23 juror. Usually they are all, with maybe one disagreement,  
24 they are all of a mind.

25 MS. MELL: Your Honor, did you get an answer from

1 No. 3? I am not sure we got an answer from each of the  
2 jurors. I don't think you went back to No. 3.

3 THE COURT: I did not go back to No. 3.

4 THE CLERK: She misunderstood the question.

5 THE COURT: Didn't understand the question.

6 MS. MELL: Just moved on.

7 THE COURT: I moved on, yeah. I think the thing to  
8 do is let them cook, see if they can come up with an answer  
9 to either question. Obviously some of them thought it was  
10 worth another try, or a continuing try. I don't think there  
11 is anything more to be done at this point.

12 Hearing nothing, we will see if they can come up with a  
13 result on either question.

14 MS. MELL: Your Honor, would you be sharing with us  
15 any chats that come from the jurors as to how long that  
16 reasonable period of time will be, if they ask the Court a  
17 question?

18 THE COURT: Anything they ask me, I will talk to you  
19 about before I answer.

20 MS. MELL: Does the Court have a reasonableness time  
21 in its head right now? Is it just going to see how it goes?

22 THE COURT: Just see how it goes. I mean, what is  
23 reasonable to me might not be reasonable to the jurors. They  
24 may, in a very short time, feel there is no further benefit  
25 from deliberations. Or on the other hand, they may reopen

1 things, and some of them at least thought they could reach a  
2 result on one or both questions. We need to let them have a  
3 chance. Okay. Stand by.

4 (Recessed.)

5 (The following occurred outside the presence of the jury.)

6 THE COURT: All right. I have received a second  
7 epistle from the jury. I think the appropriate thing for me  
8 to do is to ask the presiding juror if they can reach a  
9 verdict, as their letter indicates, on one interrogatory, but  
10 whether she thinks they are totally hung on the other  
11 interrogatory, and then poll the jury as to whether they  
12 agree with her again, and then if they are all in agreement,  
13 I would ask the foreman to fill in the verdict form with  
14 anything they have agreed on and return to court to take the  
15 verdict on one issue, if that is a proper thing to do.

16 MS. MELL: GEO would disagree with that. The two are  
17 linked, and you get a misperception on the verdict because I  
18 think their answer to 1 depends on 2. I think that's what  
19 their information has provided to us. I think it would be  
20 error to force them to come to a decision on 1 when they are  
21 hung on 2, when they are clearly hung on the whole thing  
22 because they can't get the answer they want combined.

23 MS. CHIEN: We disagree with GEO's position. We  
24 think a partial verdict is worthwhile, and we can deal with  
25 the consequences of a partial verdict after trial. They are



1 not linked, whether they are an employee and the  
2 intergovernmental immunity question is very distinct. There  
3 is value in having a partial verdict.

4 THE COURT: We don't know what they are going to do.  
5 We won't know how to handle it until we know what they are  
6 going to do.

7 MS. MELL: It would be very prejudicial for GEO to  
8 have a decision that was based on the inability to decide 1  
9 and have it used against GEO as if it's a conclusion that  
10 accurately reflects what they would do on 1 if they can't  
11 decide on 2. There is a nexus there, and they have said so.

12 THE COURT: Bring the jury back.

13 THE CLERK: The jurors have returned.

14 (The following occurred in the presence of the jury.)

15 THE COURT: All right. Let me remind you of the  
16 instruction I gave you earlier. That is, you are only to  
17 respond to the questions I directly ask with a "yes" or "no"  
18 answer. I will address the question first to the presiding  
19 juror. It is my understanding -- well, let me strike that  
20 and start again.

21 Ms. McDonald-Poper, is there a reasonable probability of  
22 the jury reaching a verdict within a reasonable time on both  
23 claims?

24 JUROR 6: No, Your Honor.

25 THE COURT: Let me ask the jurors if you agree with

1 your presiding juror's statement. If you would raise your  
2 hands if you agree. All right. It appears that they all  
3 agree.

4 Second question: Is there a reasonable probability of the  
5 jury reaching a verdict within a reasonable time as to one of  
6 the two questions put to the jury? That question again is to  
7 you, Ms. McDonald-Poper.

8 JUROR 6: I believe it is --

9 THE COURT: The answer to the question is "yes" or  
10 "no."

11 JUROR 6: Yes.

12 THE COURT: All right. I would ask the jury again if  
13 you agree with your presiding juror's statement. Raise your  
14 hands if you agree. Not all agree. At least two jurors did  
15 not agree.

16 I would ask you to return to the jury room and continue  
17 your deliberations. If you reach a verdict on one of the two  
18 questions, you should fill in the verdict form and report to  
19 the Court that you have a verdict on that question, if not on  
20 both.

21 All right. Thank you. You may be excused to continue  
22 your deliberations.

23 (The following occurred outside the presence of the jury.)

24 THE COURT: They are not agreeing with each other  
25 very well. In her note to the Court, the presiding juror

1 said, "We all agree we could reach agreement on one  
2 question." Now, it appears maybe they can't. We will see  
3 how far they can go.

4 MS. MELL: Your Honor, can we make a record on the  
5 "no" votes on that? Does the record --

6 THE COURT: On the what?

7 MS. MELL: Can we please create a record on that  
8 polling of the questions there in terms of the jurors  
9 responding "no"? I think you said two --

10 THE COURT: I had the jurors respond by raising their  
11 hands. I saw two hands that did not agree with the  
12 foreperson. I saw hands. I didn't make a specific count.

13 MS. SCHEFFEY: I would like to put on the record --

14 THE COURT: I'm sorry, I am having a hard time  
15 hearing you, Ms. Scheffey.

16 MS. SCHEFFEY: Let's see if this makes it any better.  
17 Can you hear me now?

18 THE COURT: I can hear you. I could hear you better  
19 if you speak a little louder.

20 MS. SCHEFFEY: Thank you. I just wanted to make a  
21 record that in the question we received at 10:18, the  
22 question prior to this one, they noted that some of the  
23 jurors would change their answer to Question 1 if they have  
24 to decide Question 2. I think if they are going to submit a  
25 partial verdict, we have to make sure that answer would

1 remain unanimous if they were to have to answer Question 2,  
2 because the jurors have indicated they are interrelated and  
3 their answers to the two questions are co-dependent on one  
4 another.

5 MR. WHITEHEAD: I would object to the  
6 characterization of the email. The email speaks for itself.  
7 I think that misrepresents the question from the jury  
8 earlier.

9 THE COURT: At this point, the answer is: Take it to  
10 the circuit.

11 Okay. We will see if they come up with anything else.  
12 Isn't this fun? Okay. Thank you very much. We will be  
13 awaiting some further response.

14 MS. BRENNEKE: Thank you, Your Honor.

15 (Recessed.)

16 (The following occurred outside the presence of the jury.)

17 THE COURT: I have received and read Ms. Mell's  
18 motion for a mistrial. I don't want to start a long  
19 discussion about this. I understand your position. Any  
20 plaintiffs' lawyer want to make a response?

21 MS. CHIEN: Your Honor --

22 THE COURT: Pardon me.

23 MS. CHIEN: Your Honor, we haven't had a chance to  
24 review the motion. We would oppose GEO's motion. Obviously  
25 we think partial verdict, there is case law to support that

1 we can provide to the Court, partial verdicts are acceptable.  
2 Nothing in the briefing we have been able to see so far  
3 suggests otherwise.

4 MR. WHITEHEAD: Your Honor, I don't have anything  
5 further to add. Strikes me as premature. We don't know what  
6 the jury is going to do just yet.

7 THE COURT: We don't. I think it would be premature  
8 to order a mistrial until we hear what they have to say.  
9 They have not been announced hung yet by the Court.

10 It appears to me in light of what has gone on this morning  
11 so far that I should again ask them if there is a reasonable  
12 possibility that they can reach a verdict within a reasonable  
13 time on either or both questions submitted to the jury, and  
14 find out if they are hung or not hung or partly hung.

15 If they are, if they now all agree that there is no  
16 probability they can reach a verdict on either question, I  
17 would be inclined to declare them hung and go from there.  
18 Let's see what they have to say.

19 MS. MELL: Your Honor, just one cautionary response  
20 to that. It would be GEO's suggestion that in doing that  
21 polling, the Court is cautious not to suggest to the jurors  
22 that there is some ability to bifurcate those questions and  
23 answer them independently. That would be GEO's issue and  
24 exception with proceeding in the exact same manner as the  
25 Court asked it previously because there was -- I believe the

1 way the Court asked the question and sent them back to the  
2 jury, it would suggest, contrary to this case law, that there  
3 could be an answer to one question, and then answer the  
4 second question, when they are indeed interrelated and a  
5 nexus sufficient between the two of them that it necessarily  
6 is a mistrial if they can't reach unanimity on the second.

7 THE COURT: I hear you. The motion is denied without  
8 prejudice to raise it further.

9 Bring the jury in, Tyler.

10 (The following occurred in the presence of the jury.)

11 THE COURT: Okay, folks, I have called you back again  
12 to find out whether you have a reasonable probability of  
13 reaching a verdict within a reasonable time on either or both  
14 issues presented to you.

15 I will again ask that question to your foreman,  
16 Ms. McDonald-Poper. So the question to you: Is there a  
17 reasonable probability of the jury reaching a verdict within  
18 a reasonable time as to one or both of the questions  
19 submitted?

20 JUROR 6: Yes.

21 THE COURT: All right. I would ask if that is the  
22 case, that you return to the jury room and continue your  
23 deliberations.

24 Thank you.

25 (The following occurred outside the presence of the jury.)

1 THE COURT: Okay. You may be excused.

2 THE CLERK: The jurors have left this courtroom.

3 THE COURT: Sounds to me like they are making  
4 progress. God knows how or what. I had a doctor's  
5 appointment at 12:40. I think I better cancel it and stick  
6 with them on this deal. Too many exhibits, too much  
7 information, and I am also afraid we didn't explain it to  
8 them in an easy way for them to decide things. Maybe they  
9 are making progress after all this without a dynamite  
10 instruction. We will see what happens.

11 (Recessed.)

12 (The following occurred outside the presence of the jury.)

13 THE COURT: Are all counsel present that need to be?  
14 The jury has told Tyler that they are hung on both issues. I  
15 guess we have to go through it again. I will ask them if  
16 there is any chance they'd reach a verdict. This time, I  
17 will poll the entire panel, assuming that's what the  
18 foreperson tells me.

19 You can bring the jury in.

20 (The following occurred in the presence of the jury.)

21 THE COURT: All the jury appears to be present. I am  
22 going to go through the same exercise that we went through  
23 before, and ask the foreman: Is there a reasonable  
24 probability that the jury can reach a verdict within a  
25 reasonable time on either or both of the questions presented?

1 JUROR 6: No, Your Honor, we cannot.

2 THE COURT: All right. I am going to poll the jury  
3 and ask you again if you agree with the answer the foreman  
4 just gave me.

5 Ms. Rickabaugh?

6 JUROR 1: I agree, Your Honor.

7 THE COURT: Ms. Membreno?

8 JUROR 2: I agree.

9 THE COURT: Ms. Tooley?

10 JUROR 3: I agree.

11 THE COURT: Where are you? There you are.

12 Mr. Monta?

13 JUROR 4: Agree.

14 THE COURT: Mr. Crosley?

15 JUROR 5: Agree.

16 THE COURT: Ms. Farney?

17 JUROR 7: Agree.

18 THE COURT: Ms. Burton?

19 JUROR 8: Agree.

20 THE COURT: Mr. Swessel?

21 JUROR 9: I agree.

22 THE COURT: All right. It appears that the jury is  
23 unanimous in their responses.

24 I am going to excuse you for just a minute. I will get  
25 right back to you after I discuss your responses with



1 counsel.

2 You can excuse the jury, Tyler, for just a minute.

3 (The following occurred outside the presence of the jury.)

4 THE COURT: I think it is time to call a mistrial.

5 Any objection to that?

6 MS. CHIEN: We object. The State's position is the  
7 Court, parties, and jurors' expectation is this trial would  
8 go on through next week. Allowing the jury to deliberate a  
9 little bit further, at least through the end of this week, we  
10 think is appropriate.

11 MS. MELL: No objection, Your Honor. This -- a  
12 mistrial should be entered. They are a hung jury.

13 THE COURT: Any other comments?

14 MR. WHITEHEAD: Your Honor, we would object and also  
15 wonder about the jury instruction regarding a deadlocked  
16 jury, is that something the Court would still entertain?

17 THE COURT: As you probably are aware, the idea of a  
18 dynamite instruction is one that should rarely, if ever, be  
19 given. I guess I don't believe in giving that instruction.  
20 I have it marked in the state pattern jury instruction. The  
21 one the State proposes is Washington Pattern Instruction  
22 1.12, but it appears to me that it would not be appropriate  
23 to give that instruction.

24 The jury has struggled with this, obviously. They have  
25 been out for basically two days, over a three-day span. They

1 appear unanimous in their view that they are deadlocked. I  
2 think it would be unfair to the jury to carry this further.

3 MS. CHIEN: Your Honor, you mentioned the state court  
4 dynamite instruction. Have you had an opportunity to review  
5 the Ninth Circuit Instruction 3.7 on deadlocked juries as  
6 something to consider as well?

7 THE COURT: I looked at it. I used to be chair of  
8 the committee that drew those instructions.

9 MS. CHIEN: We think it would be appropriate --

10 THE COURT: Go ahead.

11 MS. CHIEN: We think it would be appropriate to  
12 provide that instruction, especially given the jury earlier  
13 this morning, six out of the nine jurors expressed a  
14 possibility of reaching agreement, a short couple hours ago.  
15 So we think it would be appropriate for them to continue  
16 deliberating, given that.

17 MS. MELL: GEO would oppose that, given the fact that  
18 there was never any unanimity expressed on either one, and  
19 they repeatedly had the opportunity to go revisit the  
20 questions, and they have clearly indicated unanimously there  
21 is no unanimity on either question.

22 THE COURT: It is my judgment I should not give a  
23 dynamite instruction. I think that would be inappropriate  
24 and unfair, particularly not only to the concept of a fair  
25 trial, but unfair to the jurors as well. They have worked

1 long and hard at this and appear deadlocked. It is my view I  
2 should now order a mistrial.

3 I will call the jury back and thank them and rule on that  
4 matter.

5 If you will get the jury back in, Tyler.

6 THE CLERK: They are on their way.

7 (The following occurred in the presence of the jury.)

8 THE CLERK: They are all present.

9 THE COURT: Ladies and gentlemen, you have indicated  
10 to me that you are deadlocked. I am satisfied with your  
11 showing that that is the case. I have declared and do  
12 declare a mistrial.

13 Jurors want to know at this stage of the game what that  
14 means to the case. What it means is that we will set it for  
15 a retrial. When, I don't know. We will have another trial  
16 on the issues presented.

17 One thing that will happen now is that the lawyers will  
18 want to find out what you were thinking about their  
19 presentation and about the case. You should know that you  
20 are not required to talk to the lawyers. If you choose not  
21 to and you are approached by anyone, you can tell them you  
22 choose not to discuss the matter. On the other hand, if you  
23 are willing to discuss it, you can discuss it.

24 Counsel, I would point out that is a little broader than  
25 our typical local rule requires that prevents such contact.

1 But under these circumstances, it may be appropriate. I  
2 would caution counsel not to argue with the jurors about the  
3 result of this trial, to treat them, if you wish to contact  
4 them, with ultimate respect, and the jury should understand  
5 that they are not required to talk to you and just can say so  
6 or can -- if a conversation starts, a juror should feel free  
7 to stop it if they feel the least bit uncomfortable or  
8 desirous of ending the conversation.

9 Ladies and gentlemen, I wanted to tell you also this case  
10 was very complicated with all of the exhibits that were  
11 filed. I know you have worked very hard on it. It is not  
12 terribly surprising to me that you were unable to all agree  
13 on the issues presented. You certainly have done your duties  
14 as jurors in carefully listening and working together very  
15 hard over the last three days to try and find a result.

16 The point of me saying that is that I don't want you to  
17 feel bad that you are not able to reach a verdict. It  
18 happens. As a matter of fact, I became a state trial judge  
19 in 1967 in August, and I believe it was in September I  
20 embarked on trying my first jury case and it resulted in a  
21 hung jury. So it is nothing new, nothing terribly unusual,  
22 and we will live through this and go on to the next issues.

23 I want to thank you all for your service. You can be  
24 proud of the work you have done in this case. Now, you may  
25 be excused. And thank you very much for your service.

1 THE CLERK: I will put them out into a different  
2 room.

3 (The following occurred outside the presence of the jury.)

4 THE COURT: A lot of work down the tube. I am not  
5 sure what you want to do about resetting. I would think it  
6 would make sense to not do that rashly between now and the  
7 resetting and think this through, find out from the jurors  
8 what they thought. We can leave it up to a motion to reset  
9 or whatever. I have in the past with cases much more simple  
10 than this to say, okay, we will start Monday morning. I  
11 don't think that makes sense in this case with the number of  
12 witnesses and so forth and the planning that it takes.

13 Shall we leave it up to a motion to reset?

14 MS. CHIEN: The State of Washington still has a Phase  
15 3 claim on the unjust enrichment claim, which we believe  
16 should still proceed regardless of the verdict here. It is a  
17 bench trial. It is not before a jury. Our position is we  
18 should move forward on the unjust enrichment claim.

19 MS. MELL: GEO would oppose doing that or setting  
20 that at this point. GEO needs an opportunity to digest this,  
21 figure out where we are, communicate with our client, and see  
22 where that leaves us with the various parties involved. It  
23 is warranted, at least at this phase, to at least have a  
24 conversation and figure it out.

25 THE COURT: The problem with that, Ms. Chien, is

1 after much work and sweat on the part of the Court and my  
2 court staff, I determined that there was a fact question that  
3 was presentable to a jury on the issue of whether the  
4 detainees are, in fact, employees of GEO. That still has to  
5 be answered. I don't know how we can have an unjust  
6 enrichment case without the question being answered. There  
7 is, I think, a right to a jury trial on that issue.

8 MS. CHIEN: Your Honor, I think our position has  
9 always been that the minimum wage claim is separate and  
10 distinct from the unjust enrichment claim and does not depend  
11 on a finding the detainees are actually employees. I think  
12 it is clear, and I think it makes sense to move forward with  
13 the case as is, given the judge has just been able to hear  
14 all the evidence presented and it is fresh in the Court's  
15 mind that regardless of whether or not the detainees are  
16 employees, that GEO has clearly been unjustly enriched by  
17 relying on detainees to clean and work the kitchen on 90  
18 percent of his facilities without paying them, if not the  
19 minimum wage, a wage, a prevailing wage, and profited off  
20 that labor. We believe that claim can move forward separate  
21 from any finding on whether or not the detainees are  
22 employees.

23 THE COURT: Ms. Chien, my reaction is negative to  
24 your argument. I'll tell you this, I think what I am going  
25 to do is to allow any post-trial motions that you want to

1 make, including motions to have a separate trial on the State  
2 claim, as you suggest, and we will consider resetting in  
3 response to a motion to reset.

4 I know this case is not likely to find a way to settle,  
5 but the ordinary business would indicate that this break is a  
6 good time to carefully reexamine your positions in regard to  
7 settlement. We will leave it at that.

8 I will enter an order declaring a mistrial, and we will  
9 entertain any post-trial motions or motions regarding a new  
10 trial and trial setting under our standard motion practice.

11 Okay.

12 MS. MELL: Thank you, Your Honor.

13 THE COURT: Nobody is happy, but nobody lost either.  
14 Still live issues.

15 Okay.

16 MR. BERGER: Your Honor, is it possible to get  
17 contact information for the jurors for the purposes of  
18 interviewing them, if they wish to speak with us?

19 THE COURT: Not from me. I don't have it.

20 Tyler, would you want to check with the jurors to see if  
21 their private information could be given out? I don't know,  
22 we used to have phone books, so do the best you can with  
23 that.

24 THE CLERK: I will check on that. Is it possible to  
25 give the jurors the attorneys' information and the jurors can

1 contact them if they choose to?

2 THE COURT: That would be acceptable to the Court.

3 MR. BERGER: We would welcome that.

4 THE COURT: Okay. Thank you, all.

5 MS. SCHEFFEY: Thank you.

6 MR. SILVERMAN: Thank you, Your Honor.

7 MR. BERGER: Thank you, Your Honor.

8 MS. BRENNEKE: Thank you, Your Honor.

9 MS. CHIEN: Thank you.

10 (The proceedings adjourned.)

11  
12  
13 C E R T I F I C A T E

14  
15  
16 I certify that the foregoing is a correct transcript from  
17 the record of proceedings in the above-entitled matter.  
18  
19  
20

21 */s/ Angela Nicolavo*

22 ANGELA NICOLAVO  
23 COURT REPORTER  
24  
25